

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICKY PAUL SMITH,

Plaintiff,

v.

TILLMAN, K.; GUZMAN, C.;  
CLAWSON, B.; and HALL, D.,

Defendants.

No. C 07-1464 WHA (PR)

**DISMISSAL WITH LEAVE TO  
AMEND**

This case was opened when plaintiff wrote a letter to the court complaining about various events at the Contra Costa Jail, where he is confined. In the letter he asked “how to proceed with this legally.” In an effort to protect plaintiff’s rights the letter was treated as an attempt to open a civil rights case under Section 1983. He was sent a notice that he had not paid the filing fee or applied for leave to proceed in forma pauperis (“IFP”). In response he has returned the IFP materials and attached to them a completed form for prisoner Section 1983 suits.


The completed form that plaintiff has attached to his IFP application (document number 3 on the docket) contains as its “statement of claim” only the words “case No. C07 1464 Filed 3-14-7.” The number is that of this case, but this provides no explanation of what claims plaintiff intends to press against the named defendants. It may be an attempt to incorporate the letter which initiated this case by reference, but plaintiff does not say so, and in any event

1 having parts of the complaint in different places is not practical.

2 The complaint therefore is **DISMISSED** with leave to amend within thirty days of the date  
3 of this order. The amendment must be on the Court's form for prisoner Section 1983 cases, and  
4 plaintiff must put the case number of this case and the words "First Amended Complaint" on  
5 the first page. If no amendment is filed this case will be dismissed for failure to state a claim.

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7 **IT IS SO ORDERED.**

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9 Dated: July 6, 2007.

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12 WILLIAM ALSUP  
13 UNITED STATES DISTRICT JUDGE  
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